

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2006/037542

International filing date (day/month/year)
26.09.2006

Priority date (day/month/year)
05.10.2005

International Patent Classification (IPC) or both national classification and IPC
INV. H04N7/24 H04N5/00 H04N5/445 H04L12/28

Applicant
SCIENTIFIC-ATLANTA, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of
this opinion

see form
PCT/ISA/210

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2006/037542

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2006/037542

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-25,27-31,33-36
	No: Claims	1,26,32
Inventive step (IS)	Yes: Claims	
	No: Claims	1-36
Industrial applicability (IA)	Yes: Claims	1-36
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 Reference is made to the following documents:

D1 : ALEXIS DE LATTRE ET. AL: VIDEOLAN STREAMING, [Online] 12 February 2005 (2005-02-12), pages 1-14, XP002416636 Retrieved from the Internet: URL:http://web.archive.org/web/20050212004_018/www.videolan.org/doc/>; [retrieved on 2007-01-25]
D2: ALEXIS DE LATTRE ET AL.: "VIDEOLAN STREAMING HOWTO" VIDEOLAN STREAMING HOWTO, 2005, - 2005 pages 1-61, XP007901600
D3 : EP 1 443 766 A (BROADCOM CORP [US]) 4 August 2004 (2004-08-04)
D4 : WO 2004/036808 A2 (SCIENTIFIC ATLANTA [US]) 29 April 2004 (2004-04-29)

2 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (see page 5, figure):

A method for transmitting a prerecorded presentation recorded from a DVD over a networked multi-room system, said method comprising the steps of:
- storing a least a portion of a prerecorded presentation to a storage device of a set top box;
- transmitting at least a portion of said stored presentation from said storage device to one or more other set-top boxes.

Since these are the features of claim 1 the subject-matter of this claim is anticipated by that of D1.

3 INDEPENDENT CLAIMS 26 & 32

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 26 and 32 is not new in the sense of Article 33(2) PCT.
Document D4 discloses (see figure 7):

A method for present content from a DVD stored on a storage device in a networked multi-room system, said method comprising:

- providing an interactive program guide; and
- providing a selectable field in said IPG for playing a least a portion of said content stored from said DVD on said storage device.

Since these are the features of claim 26, the subject-matter of this claim is anticipated by that of D4.

In a similar manner the subject-matter of the closely similar claim 32 is anticipated by that of D4.

5 INDEPENDENT CLAIM 35

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 35 is not involve an inventive step in the sense of Article 33(3) PCT.

Document D1 discloses (see page 5, figure):

A method for transmitting a prerecorded presentation recorded from a DVD over a networked multi-room system, said method comprising the steps of:

- storing a least a portion of a prerecorded presentation to a storage device of a set top box;
- transmitting at least a portion of said stored presentation from said storage device to one or more other set-top boxes.

Document D1 does not explicitly state that a PID remapped version is sent to a second set-top box. However, in document D2, which largely corresponds with D1, it is made clear that the PID may be set. On page 29 of this document it is furthermore indicated that the stream may be duplicated and output.

The skilled person is aware that in such a case different PIDs need to be allocated to the different output streams to avoid decoding conflicts.

As a consequence the subject-matter of claim 35 is considered to lack an inventive

step.

6 DEPENDENT CLAIMS 2-25, 27-31, 33, 34, 36

As also set out below under (VIII) the wording of the current set of claims is extremely broad and appears to be void of any technical contribution. The copying of data of an optical medium to another storage medium is widely practiced in the art. Also transcoding, modifying material, logo insertion etc. are all well known features which the skilled person will implement when confronted with the corresponding problem.

In the absence of any technical teachings *how* such features are actually implemented the subject-matter of claims worded in such a broad and general manner can only be considered to be obvious.

Therefore dependent claims 2-25, 27-31, 33, 34, 36 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).

Re Item VII.

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1, D3-D4 are not mentioned in the description.
2. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
3. In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

Re Item VIII.

Article 6 PCT

The current set of claims has been worded in an extremely general manner. The set-top box of the current application appears to include a large variety of devices including a personal computer which is equipped to provide a television signal in one way or another. Also the different operations which are claimed such as transcription, insertion of material, logos etc. are all worded in an extremely general and are void of any technical content.

It is therefore unclear what scope of protection is sought by the applicants.